

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SCOTT A. BERNOVICH,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

Case No. C12-5680-RAJ-BAT

**REPORT AND
RECOMMENDATION**

Scott A. Bernovich seeks review of the denial of his Supplemental Security Income and Disability Insurance Benefits applications. Dkt. 3. The parties stipulate the case should be reversed and remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Dkt. 20.

The Court has considered the parties' stipulation and the record, and recommends the case be **REVERSED** and **REMANDED** under sentence four of 42 U.S.C. § 405(g), for further administrative proceedings. *See, Melkonyan v. Sullivan*, 501 U.S. 89 (1991). On remand, the Administrative Law Judge will:

- Reconsider the medical evidence of record, specifically the opinion of Dr.

Kenderdine, and provide the weight accorded to that opinion and if rejecting any

1 portions of the opinion, provide specific and legitimate reasons for doing so in
2 accordance with Social Security Ruling 96-2p;

- 3 • Reassess the claimant's residual functional capacity; and
4 • Reevaluate the claimant's credibility and, if necessary, obtain supplemental
5 vocational expert testimony to assist in determining what jobs exist for the claimant
6 given his age, education, vocational factors and residual functional capacity.

7 Plaintiff will be entitled to reasonable attorney fees and costs pursuant to the Equal
8 Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request to this Court.

9 Because the parties have stipulated the case be remanded as set forth above, the Court
10 recommends that United States District Judge Richard A. Jones immediately approve this Report
11 and Recommendation and order the case **REVERSED** and **REMANDED** for further
12 administrative proceedings. A proposed order accompanies this Report and Recommendation.

13 DATED this 22nd day of January, 2013.

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16 BRIAN A. TSUCHIDA
17 United States Magistrate Judge
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